

Community and Large Scale Wind Energy Conversion Systems Draft Regulations

Wind Energy Workgroup Recommendations

Virginia Wind Energy Symposium

June 17, 2010



The Workgroup . . .

- Group Composition
- Meetings/Deliberations
- Tour Facility
- Draft Recommendation



Contents . . .

- Purpose
- Key Definitions
- General Requirements
- State and Federal Mandates
- Environmental Considerations
- Independent Consultant Review
- Public Notification
- Review Process
- Monitoring and Maintenance
- Abandoned or Discontinued Use

Overall Purpose and Intent . . .

To regulate the placement, construction and modification of wind energy conversion systems...

- while promoting their safe, effective and efficient use
- while not unreasonably interfering with the development of independent renewable energy sources
- while accommodating facilities in appropriate locations, thereby minimizing potential adverse visual, safety and environmental impacts

The System . . .

- Structure height greater than 85 feet.
- Rated output is greater than 5 megawatts.
- Developed to be owned or sold for the purpose of realizing a return on their investment.

General Requirements . . .

- Allowed in the A-1 Prime Agricultural or A-2 General Agricultural Zoning Districts
- Allowed on County-owned property
- Systems will not require a height exception
- Enhanced notification if located within a mile of special areas
- Public information meetings

Height Requirements . . .

- Shall not exceed 500 feet
- Height may be exceeded if Board determines:
 - Additional height is needed and would result in significant additional benefits in terms of energy production and efficiency
 - Height reflects industry standards for a similarly rated wind energy conversion system

Setbacks and Separations . . .

- System shall be set back a distance at least equal to 125 percent of the structure height from adjoining non-participants
- A distance equal to 160% of the structure height or 800 feet from residential or public use structures
- Setbacks may be reduced by notarized consent and deed of easement

Environmental Considerations . . .

- Wetlands
- Land Clearing/Open Space
- Noise
- Shadowing/Flicker
- Fish, Wildlife, and Native Plant Protection



State and Federal Mandates . . .

- Approvals prior to submission to County
 - Virginia State Corporation Commission (SCC)
 - Virginia Department of Environmental Quality (DEQ)
 - Federal Aviation Administration (FAA)
 - Federal Communications Commission (FCC)
 - Department of Mines, Minerals and Energy (DMME)
 - Virginia Division of Game and Inland Fisheries (DGIF)
 - Virginia Department of Conservation and Recreation (DCR)

Review Process . . .



- Public hearing under the Special Use Permit Process
- All State and Federal requirements shall be met prior to application for construction
- Approval letters must be included with application.

Public Notification . . .

- Community and Utility
 - Adjoining landowner notification
 - Signs posted on site
 - Postings ½ mile from proposed site

Independent Consultant Review . . .

- Hired by the County
- Review at Applicant's Expense

Monitoring and Maintenance . . .

- Annual reports
- Proper maintenance and accessibility
- Buffers and landscaping
- Change in ownership



State of the Station Report . . .

- The applicant shall provide to the Board of Supervisors an annual state of the station report.
- The report shall include a summary of all information submitted annually to state and federal agencies.
- Notice shall be provided to the County of any change in ownership of the facility.

Abandoned or Discontinued Use . . .

- Scheduled abandonment or discontinuation
- Inoperability
- Removal of structures and equipment
- Disposal of solid or hazardous materials and waste
- Site restoration
- County authority to take appropriate action

Next Step . . .

- Planning Commission
 - Public Hearing
 - Recommendation
- Board
 - Public Hearing
 - Decision

Small Wind Energy Systems

- Allow single Small Wind Energy systems “by right” for Agricultural areas with public notification
- Allow single Small Wind Energy systems in other zoning districts by special use permit
- Allow two or more Small Wind Energy systems by special use permit